IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.1409 OF 2005**

Anil Lalchand Upadhayay...Petitioner
Vs.
Oriental Bank of Commerce & Ors..Respondents

Mr. Anoop Khaitan i/b. C.M. Vithlani, for the Petitioner
None for the respondents.

CORAM: **F.I. REBELLO &**
MRS.V.K.TAHILRAMANI, JJ.
DATE: 10th July,2006

P.C.

. Petitioner was a party in the proceedings before D.R.T. The order has been passed amongst others against the petitioner herein. He preferred an Appeal before the D.R.A.T. The learned Appellate Tribunal directed the petitioner to deposit 50% of the amount. The petitioner aggrieved by the same has challenged the same in the present petition.

2. We are not inclined in the exercise of extra ordinary jurisdiction to interfere with the discretion exercised by the Tribunal. At the highest if the petitioner has not deposited the amount and the Appeal has been disposed of, the petitioner if deposits the amount within a period of four weeks from today before the D.R.A.T., the Appeal will stand restored, otherwise the Appeal will stand dismissed.

With the above observation Writ Petition disposed of.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**